

Sixth Appellate District

San Jose, California

MONDAY, JANUARY 13, 2003

H022640 PEOPLE v. LAYMAN

The judgment is modified by striking the 25 year to life terms imposed on counts two and three pursuant to section 667.61. The trial court is directed to amend the abstract of judgment accordingly and forward a copy of the amended abstract of judgment to the Department of Corrections. As so modified, the judgment is affirmed. (not published)
(Elia, J.; We concur: Premo, Acting P.J., Rushing, J.)
Filed January 13, 2003

H023851 PEOPLE v. DEPORCERI

The judgment is affirmed. (not published)
(Bamattre-Manoukian, Acting P.J.; We concur: Wunderlich, J., Mihara, J.)
Filed January 13, 2003

H022943 CHRISTINA L. v. DAVID Z.

The order denying David Z.'s motion is affirmed. Christina L.'s motion for sanctions is denied. (not published)
(Elia, J.; We concur: Premo, Acting P.J., Rushing, J.)
Filed January 13, 2003

TUESDAY, JANUARY 14, 2003

The Court met in its courtroom at 333 West Santa Clara Street, Suite 1060, San Jose, California. Present: Premo, Acting P.J.; Wunderlich, J.; Rushing, J.; and W. Magsaysay, Deputy Clerk.

H023672 PEOPLE v. DANDRIDGE

Cause called and argued by Irma Castillo appearing for Appellant and by Kelly Croxton, Deputy Attorney General, appearing for Respondent. Cause ordered submitted.

H024314 MARRIAGE OF CHUNG AND YEW

Cause called and argued by appellant appearing in propria persona and by Daphna R. Sher appearing for Respondent. During the course of oral argument, a power outage occurs and the telephone conference is interrupted. Counsel for respondent submits the matter. Submission is deferred by the court until the remainder of appellant's argument is completed.

Sixth Appellate District

San Jose, California

Tuesday, January 14, 2003 (continued)

H023907 EBLEN, et al. v. JOHANSON, et al.

Cause called and argued by H. Lee Horner, Jr. appearing for Appellants and by Thad Allan Blizzard appearing for Respondents. Both counsel waive electronic recording of oral argument due to the power outage. Cause ordered submitted.

H023351 RASMUSSEN v. PLUMMER

Cause called and argued by Jon R. Parsons appearing for Appellant and by Frank Ubhaus appearing for Respondent. Both counsel waive electronic recording of oral argument due to the power outage. Cause ordered submitted.

H023064 APPLE COMPUTER, INC. v. COUNTY OF SANTA CLARA ASSESSMENT APPEALS BOARD; STONE, as County Assessor, etc.

Cause called and argued by Lawrence L. Hoenig appearing for Appellant Apple Computer, Inc., by Larry A. Kubo, Deputy County Counsel, appearing for Respondent County of Santa Clara Assessment Appeals Board, and by James Rees, Deputy County Counsel, appearing for appellant Lawrence E. Stone, as County Assessor, etc. All counsel waive electronic recording of oral argument due to the power outage. Cause ordered submitted. Court recesses until 1:30 p.m.

The Court reconvened at 1:30 p.m. in its courtroom at 333 West Santa Clara Street, Suite 1060, San Jose, California. Present: Premo, Acting P.J.; Elia, J.; Bamattre-Manoukian, J.; and R. W. Norvelle, Deputy Clerk.

H022467 SCOTT CO. OF CALIFORNIA v. UNITED STATES FIDELITY & GUARANTY INSURANCE CO., et al.

Cause called and argued by Jewell Hargleroad appearing for Appellant and by Rocky N. Unruh appearing for Respondents. Cause ordered submitted.

Sixth Appellate District

San Jose, California

Tuesday, January 14, 2003 (continued)

H024067 PEOPLE v. DALE

Cause called and argued by Judith Sklar, Deputy District Attorney, appearing for Appellant and by Seth Flagsberg, Deputy Public Defender, appearing for Respondent. Cause ordered submitted.

H022686 PEOPLE v. VARA

Cause called and argued by Gerald Clausen appearing for Appellant and by David M. Baskind, Deputy Attorney General, appearing for Respondent. Cause ordered submitted

H023238 PEOPLE v. CHAVEZ

Cause called and argued by Chris Redburn appearing for Appellant and by William M. Kuimelis, Deputy Attorney General, appearing for Respondent. Cause ordered submitted. Court adjourns.

H023323 NG v. WONG

The judgment is affirmed. (not published)
(Elia, J.; We concur: Premo, Acting P.J., Rushing, J.)
Filed January 14, 2003

WEDNESDAY, JANUARY 15, 2003

The Court met in its courtroom at 333 West Santa Clara Street, Suite 1060, San Jose, California. Present: *Elia, Acting P.J.; Rushing, J.; and S. Nasson, Deputy Clerk.

*All counsel in the cases appearing on the court's morning oral argument calendar below waive the presence of Premo, Acting P.J. and stipulate that he can listen to the audio tape of the oral argument at a later date.

H023941 PEOPLE v. RODRIGUEZ

Cause called and argued by Daniel Byrne appearing for Appellant and by James Panetta, Deputy Attorney General, appearing for Respondent. Cause ordered submitted.

H023272 PEOPLE v. TRIPLETT

Cause called and argued by Irma Castillo appearing for Appellant and by Aileen Bunney, Deputy Attorney General, appearing for Respondent. Cause ordered submitted.

Sixth Appellate District

San Jose, California

Wednesday, January 15, 2003 (continued)

H023403 PEOPLE v. LAMOTHE

Cause called and argued by Steve Defilippis appearing for Appellant and by David Baskind, Deputy Attorney General, appearing for Respondent. Cause ordered submitted.

H023883 CHIU, et al. v. SAAB CARS USA, INC.

Cause called and argued by Donald Mabry appearing for Appellant and by Susan Bates appearing for Appellants. Cause ordered submitted.

H023883 COURT HOUSE PLAZA COMPANY v. GOODENOUGH, et al.

Cause called and argued by Jeffrey Widman appearing for Appellant and by John Carey appearing for Respondents. Submission ordered deferred for a period of 10 days from today's date to allow respondents to file a supplemental response to appellant's additional case citation.

Rushing, J. leaves the bench. Wunderlich, J. takes the bench.

H021871 HOCHMAN, et al. v. OAK TECHNOLOGY

Cause called and argued by William Dato appearing for Appellants and by Sara Brody appearing for Respondent. Cause ordered submitted. Court recesses until 1:30 p.m.

The Court reconvened at 1:30 p.m. in its courtroom at 333 West Santa Clara Street, Suite 1060, San Jose, California. Present: *Elia, Acting P. J.; Wunderlich, J.; and Jane V. Flor, Deputy Clerk.

*All counsel in the cases appearing on the court's afternoon oral argument calendar below waive the presence of Premo, Acting P.J. and stipulate that he can listen to the audio tape of the oral argument at a later date.

H022637 AMADOR v. DESAI, et al.

Cause called and argued by M. Van Smith appearing for Appellant, by Paul E. Vallone appearing for Respondents, and by Alan G. Harvey appearing for Respondent Rabanos. Cause ordered submitted.

Sixth Appellate District

San Jose, California

Wednesday, January 15, 2003 (continued)

H022132 LANE, et al. v. GAMBOA, as Trustee, etc., et al.

Cause called and argued by Jeffrey P. Tone appearing for Appellants and by David Jame Bowie appearing for Appellants. Cause ordered submitted.

Elia, Acting P.J. leaves the bench and Rushing, J. takes the bench.

H022724 PEOPLE v. SCOTT

Cause called and argued by Mark Greenberg appearing for Appellant and by Amy Haddix, Deputy Attorney General, appearing for Respondent. Cause ordered submitted.

H023228 CLARKE, et al. v. FUKUDA, et al.

Cause called and argued by John Domingue appearing for Appellants, by Jil Dalesandro appearing for Respondents Fukuda, and by Kathryn A. Berry, Deputy County Counsel, for appearing for Respondent Santa Clara County. Cause ordered submitted. Court adjourns.

H024037 In re ERIK P.; DFCS v. SAMPHAN P.

(Filed order modifying opinion.) There is no change in the judgment. Appellant's petition for rehearing is denied. (published)

(Rushing, J.; We concur: Premo, Acting P.J., Elia, J.)

Filed January 15, 2003

H023298 PEOPLE v. CARMICHAEL

The judgment is affirmed. (not published)

(Elia, J.; We concur: Premo, Acting P.J., Rushing, J.)

Filed January 15, 2003

H023830 PEOPLE v. TAPIA

The judgment is affirmed. (not published)

(Wunderlich, J.; We concur: Bamattre-Manoukian, Acting P.J., Mihara, J.)

Filed January 15, 2003

H024568 PEOPLE v. ANTHONY

The judgment is affirmed. (not published)

(Wunderlich, J.; We concur: Premo, Acting P.J., Rushing, J.)

Filed January 15, 2003

Sixth Appellate District

San Jose, California

Wednesday, January 15, 2003 (continued)

H024575 PEOPLE v. ROBLES

The judgment is affirmed. (not published)
(Wunderlich, J.; We concur: Premo, Acting P.J., Rushing, J.)
Filed January 15, 2003

H022134 NGUYEN v. CALHOUN, et al.

The judgment is reversed and the cause remanded. The trial court is directed to enter a new and different judgment in favor of defendants Calhoun and Valdivia and against plaintiff Nguyen. Defendants shall have costs on appeal. (published)
(Wunderlich, J.; We concur: Premo, Acting P.J., Elia, J.)
Filed January 15, 2003

H023647 PEOPLE v. LANE

The judgment is affirmed. (not published)
(Mihara, J.; We concur: Bamattre-Manoukian, Acting P.J., Wunderlich, J.)
Filed January 15, 2003

THURSDAY, JANUARY 16, 2003

H024094 PEOPLE v. WU

The judgment is affirmed. (not published)
(Premo, Acting P.J.; We concur: Wunderlich, J., Rushing, J.)
Filed January 16, 2003

H023671 PEOPLE v. DHILLON

The judgment is affirmed. (not published)
(Premo, Acting P.J.; We concur: Wunderlich, J., Rushing, J.)
Filed January 16, 2003

H024086 PEOPLE v. REYES

The judgment is reversed. The matter is remanded to the trial court with instructions to vacate its previous order that directed defendant to pay \$400 in attorney's fees and to conduct a further hearing on the defendant's ability to pay attorney's fees. No other modification of the judgment is required. (not published)
(Rushing, J.; We concur: Premo, Acting P.J., Elia, J.)
Filed January 16, 2003

Sixth Appellate District

San Jose, California

Thursday, January 16, 2003 (Continued)

H023692 In re NEEDLES CASES

The judgment is affirmed. (not published)
(Rushing, J.; We concur: Premo, Acting P.J., Elia, J.)
Filed January 16, 2003

FRIDAY, JANUARY 17, 2003

H022041 PEOPLE v. RIVERA

The judgment is affirmed. (not published)
(Elia, J.; We concur: Premo, Acting P.J., Wunderlich, J.)
Filed January 17, 2003

H024307 In re ANGEL K.; MONTEREY COUNTY D.S.S. v. ROBERT L.

The order appealed from is affirmed. (not published)
(Wunderlich, J.; We concur: Premo, Acting P.J., Rushing, J.)
Filed January 17, 2003

H023838 PEOPLE v. JOHNSON

We reverse the judgment and remand the matter for the limited purpose of recalculating and crediting defendant with the actual time he has served on his sentence and the section 4019 credits to which he is entitled. The trial court shall amend the abstract of judgment to reflect appropriate credits and forward a certified copy of the amended abstract of judgment to the Department of Corrections. (published)
(Elia, J.; We concur: Premo, Acting P.J., Rushing, J.)
Filed January 17, 2003